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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,376	03/30/2001	Richard F. Borch	3220-67852	7621

23643 7590 11/19/2003

BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

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EXAMINER

LUKTON, DAVID

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability	Application No.		Applicant(s)	
	09/822,376		BORCH ET AL	
	Examiner		Art Unit	
	David Lukton		1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/15/04.
2. ☒ The allowed claim(s) is/are 11-14 and 17-21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 10/15/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. ☒ Examiner's ~~Amendment~~ / Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Christopher S. F. Low
 CHRISTOPHER S. F. LOW
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1600

Serial No. 09/822,376
Art Unit 1653

- 2 -

Pursuant to the directives of the amendment filed 3/15/04, claims 17-20 have been amended. Claims 11-14 and 17-21 remain pending. The pending claims are now allowable.

◇

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

D. Lukton 4/13/04

Christopher S. F. Low

CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO. 3220-67852		SERIAL No. 09/822,376	
INFORMATION DISCLOSURE STATEMENT				APPLICANT Borch, et al.		FILING DATE March 30, 2001	
				GROUP 1645			

U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
DL	AA	5,472,956	Dec. 5, 1995	Borch et al.	514	95	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation Yes No
DL	AL	WO 93/06120	04/01/93	PCT			
	AM						
	AN						
	AO						
	AP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)		
DL	AR	"The Synthesis of O-monosaccharidyl-methoxycarbonyl-phosphoramidates by Arbuzov reaction" R.Y. Chen, et al. Chinese Chemical Letters., vol. 6, no. 1, 1995, pages 23-26.
DL	AS	"Design and Synthesis of Lipophilic Phosphoramidate d4T-MP Prodrugs Expressing High Potency Against HIV in Cell Culture: Structural Determinants For In Vitro Activity and QSAR" A.Q. Siddiqui, et al., Journal of Medicinal Chemistry, Vol 42, No. 20, 1999, pgs 4122-4128.
DL	AT	"Phosphoramidates as Potent Prodrugs of Anti-HIV Nucleotides: Studies in the Amino Region," C. McGuigan, et al. Antiviral Chemistry & Chemotherapy, Vol 7, No. 1, 1996, pgs 31-36.

Examiner	David L. Lister	Date Considered	4/13/04
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

BASED ON FORM PTO 1449

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTY. DOCKET NO. 3220-67852		SERIAL No. 09/822,376	
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GROUP 1645							

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U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	BA						
	BB						
	BC						
	BD						
	BE						
	BF						
	BG						
	BH						
	BI						
	BJ						
	BK						

FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation Yes No
	BL						
	BM						
	BN						
	BO						
	AP						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)		
BR	BS	"Design and Synthesis of Novel Nucleotide Prodrugs," Caren F. Meyers, et al., American Association for Cancer Research 2000, Abstract No. 100710
AT		

Examiner:	Date Considered: 4/13/04
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
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